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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,389	12/21/2001	Ronald E. Cole	1007-0542 / M7273.1	1177
7590	06/24/2004			
Mark D. Becker Emerson Appliance Controls 2831 Waterfront Parkway East Drive Indianapolis, IN 46214-2016				
EXAMINER				
LUGO, CARLOS				
ART UNIT		PAPER NUMBER		
3676				

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,389

Applicant(s)

COLE, RONALD E.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 22, 25, 27-32, 36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31, 32, 36, 38 and 43 is/are allowed.
- 6) ☒ Claim(s) 21, 22, 30, 39, 42 and 44 is/are rejected.
- 7) ☒ Claim(s) 25, 27-29, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's RCE filed on February 23, 2004.

Drawings

2. The drawings are objected to because:

- Figure 9, change reference "12" as -112-.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to because of the following informalities:

- Page 22 Line 5, change "154" as -150-.

Appropriate correction is required.

Claim Objections

4. **Claims 21,28,31,39 and 40 are objected** to because of the following informalities:

- Claim 21 Line 12, change "wherein reciprocating" as -wherein a reciprocating -.
- Claim 28 Line 4, add the word -said- before the word "reciprocating".
- Claim 31 Line 8, change "causes reciprocating" as -causes a reciprocating-.
- Claim 31 Line 13, add the word -said- before the word "reciprocating".
- Claim 39 Line 8, change "causes reciprocating" as -causes a reciprocating-.
- Claim 39 Line 12, add the word -said- before the word "reciprocating".
- Claim 40 Line 5, add the word -said- before the word "reciprocating".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 21,22,30,39,42 and 44 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,859,979 to Gilliom.

Regarding claims 21 and 39, Gilliom discloses a latch assembly comprising a support (50 and 75); a motor (42) supported by the support; a cam (60,61 and 62) rotatably driven by the motor; a latch mechanism (46) driven by the motor; a plurality of switches (72,73 and 74) supported by the support; and a cam follower (44) having an opening defined therein to receive the cam (Figure 2).

Rotational movement of the cam causes reciprocating linear translation (slide motion) of the cam follower (Figure 2).

The reciprocating linear translation of the cam follower causes actuation of at least one of the plurality of switches (by 52 actuating on 76 and 77).

As to claim 22, Gilliom illustrates that the cam follower is mechanical interposed between the cam and the plurality of switches (Figure 4).

As to claim 30, Gilliom illustrates that the support includes a housing having an opening and that the latch mechanism (46) is positioned in the housing and includes a latch arm that extends through the opening (Figure 1).

As to claims 42 and 44, Gilliom discloses that the cam follower includes a rim (63) that defines the opening to receive the cam and the cam contacts the rim during rotational movement of itself so as to urge the cam follower in a reciprocating path of movement.

Allowable Subject Matter

7. **Claims 31,32,36,38 and 43 are allowed.**
8. **Claims 25,28,40 and 41 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 27 and 29 would be also allowed because the claims depend from claims 25 and 28 respectively.

Reasons For Allowance

9. The following is an examiner's statement of reasons for allowance:

Claim 31 is allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the plurality of switches includes an upper set of switch arms and a lower set of switch arms and the reciprocating linear translation of the cam follower causes at least one upper arm of the upper set of switch arms and a respective at least one lower arm of the lower set of switch arms to contact each other.

Gilliom discloses that the plurality of switches includes upper and lower arms (76 and 77). However Gilliom fails to disclose that the reciprocating linear translation of the cam follower causes that the upper and lower arms contact each other, Gilliom's arms never get in contact with each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Reasons For Allowable Subject Matter

10. The following is an examiner's statement of reasons for allowable subject matter:

Claims 25,28,40 and 41 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the cam follower includes a cam plate having a plurality of tracks and a plurality of switch actuators are respectively disposed within the plurality of tracks (claims 25 and 41); and that the plurality of switches includes an upper set of switch arms and a lower set of switch arms and the reciprocating linear translation of the cam follower causes at least one upper arm of the upper set of switch arms and a respective at least one lower arm of the lower set of switch arms to contact each other (claims 28 and 40).

As to claims 25 and 41, Gilliom fails to disclose that the cam follower includes a cam plate having a plurality of tracks and a plurality of switch actuators are respectively disposed within the plurality of tracks.

As to claims 28 and 40, Gilliom discloses that the plurality of switches includes upper and lower arms (76 and 77). However Gilliom fails to disclose that the reciprocating linear translation of the cam follower causes that the upper and lower arms contact each other, Gilliom's arms never get in contact with each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

11. Applicant's arguments with respect to claims 21,22,25,27-32,36 and 38-44 have been considered but are moot in view of the new ground(s) of rejection.

The new limitations presented in the amendment, like for example that the cam follower has an opening to receive the cam and that the cam rotational movement causes a reciprocating linear translation (sliding movement) of the cam follower and that that reciprocating linear translation causes actuation of the plurality of switches (claims 21,31 and 39), overcomes the previously claim rejection in view of Swartzell, as modified by Barnett, because Swartzell fails to disclose that the cam and the cam follower have different movements. Swartzell discloses that the cam 26 and the cam follower 32 have the same movement while the claims recites that the cam rotates and the follower slides with respect to that rotational movement.

Therefore, the previous rejection is withdrawn. However, a new rejection was made.

Art Unit: 3676

Conclusion

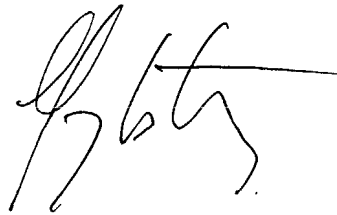
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
AU 3677

June 4, 2004.

A handwritten signature in black ink, appearing to read 'G. Estremsky', with a long horizontal stroke extending to the right.

**GARY ESTREMSKY
PRIMARY EXAMINER**